**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 10710 of 2005**

Between:

Chukka Lingareddy S/o Narasappa
r/o Nandimalla Village, R.R. Centre,

Atmakur Mandal, Mahabubnagar District

**..... PETITIONER**

AND

1 The Special Collector, Srisailam Project, Kurnool
2 The Special Deputy Collector,

LA Unit Priyadarshini Jurala Project, Gadwal
Mahabubnagar District
3 The Secretary to Government,

Irrigation and Command Area Development Department,
Secretariat Buildings, Hyderabad

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not taking any action pursuant to the recommendations of the respondents 1 and 2 on 3-1-2005 and 5-1-2005 in spite of lapse of more than 3 months as being illegal, arbitrary and violative of Principles of Natural Justice and fair play besides violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to take a decision on the recommendations of the respondent 1 and 2 immediately, and pass such other order or orders as are deemed fit and proper.

**Counsel for the Petitioner :Mr.P.ROY REDDY**

**Counsel for the Respondents : GP FOR LAND ACQUISITION**

**The Court at the stage of admission made the following :**

**THE HON'BLE MS. JUSTICE G.ROHINI**

**WRIT PETITION NO.10710 OF 2005**

**ORDER :**

The petitioner claims to be the owner and possessor of the agricultural land to an extent of Ac.12-37 guntas in Sy.Nos.134 and 139 of Nandimalla Village, Atmakur Mandal, Mahaboobnagar District. He stated that the said land along with other lands in the village was submerged due to the construction of Priyadarshini Jurala Project. Though the other lands were acquired, the land of the petitioner was not acquired on the ground that there are structures in the land. Aggrieved by the same, the petitioner along with others earlier filed W.P.No.16718 of 2003 and the same was disposed of by order dated 5-9-2003 with a direction to the respondents to conduct an enquiry as regards the requirement of the lands and structures, if any, to be acquired and the eligibility of the petitioners and to take appropriate decision in accordance with law within a period of four months. In pursuance thereof, the respondents 1 and 2 addressed letters to the 3rd respondent requesting to re-examine the matter and communicate suitable instructions for inclusion of structures existing on the land in question since more than 11 years. However, the 3rd respondent failed to consider the recommendations made by the respondents 1 and 2 and no decision has been taken so far. Hence, this writ petition seeking a declaration that the inaction on the part of the third respondent is arbitrary and illegal.

Heard the learned Counsel for both the parties and perused the material on record.

Having regard to the order of this Court in the earlier writ petition and particularly in view of the reports submitted by the respondents 1 and 2, dated 5-1-2005 and 3-1-2005 respectively, the learned Government Pleader appearing for the respondents states that the appropriate decision will be taken by the third respondent in terms of the orders of this Court in W.P.No.16718 of 2003.

Accordingly, the Writ Petition is disposed of with a direction to the third respondent to take appropriate decision in accordance with law in terms of the order of this Court in W.P.No.16718 of 2003 and in the light of the reports of the respondents 1 and 2, dated 5-1-2005 and 3-1-2005 respectively as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

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29th April, 2005

rns

To

1 The Special Collector, Srisailam Project, Kurnool

2 The Special Deputy Collector,

LA Unit Priyadarshini Jurala Project, Gadwal
Mahabubnagar District

3 The Secretary to Government,

Irrigation and Command Area Development Department,
Secretariat Buildings, Hyderabad

4 Two CD copies

5 One CC to MR.ROY REDDY